



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd floor
New York, New York 10007

June 23, 2021

By ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: LMU v. King, 21-cv-3978 (PGG)

Dear Judge Gardephe:

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: June 24, 2021

This Office represents the government in the above-referenced action, in which the government filed a motion to dismiss on June 1, 2021. ECF Nos. 13-14. The plaintiff filed his opposition on June 15, 2021 (ECF No. 15), and the government's reply brief is currently due today, June 23, 2021 (ECF No. 18). I write respectfully, with the consent of plaintiff's counsel, to request that the Court hold the remaining briefing on the motion to dismiss in abeyance, and if acceptable to the Court, the parties will submit a joint status letter by Wednesday, June 30, 2021.

I make this request because this afternoon, ICE informed me that, after reviewing the plaintiff's case, including recent developments with his removal proceedings (*e.g.*, the BIA remanded the case back to the immigration judge for further proceedings), it has decided to release the plaintiff from detention. I have followed up with ICE for additional details about the release, but I understand that ICE expects that the plaintiff will be released by this Friday, June 25. I promptly notified plaintiff's counsel of this development, and will provide her with additional information as it become available.

In light of the foregoing, I respectfully request that the Court hold the remaining briefing on the pending motion to dismiss in abeyance while the parties confer on next steps. And if acceptable to the Court, the parties will submit a joint status letter by June 30, 2021.

I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: /s/ Brandon M. Waterman
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cc: Counsel of Record (by ECF)